



Constitution

**International
Brotherhood of Teamsters
Chauffeurs, Warehousemen
and Helpers of America**



Affiliated with the American Federation of Labor


**Adopted at the Convention Held in Los Angeles,
Calif., October 13 to October 17, inclusive, 1952.**

Preamble



A

s almost every improvement in the condition of the working people was accomplished by the efforts of organized labor, and as the welfare of the members of a craft can best be protected and advanced by their united action in one great labor organization, we have organized the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, and are chartered by the American Federation of Labor, and adopt the following Constitution.



CONSTITUTION
of the
International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers

Article I

Name

Section 1. This organization shall be known as the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers and shall consist of an unlimited number of Local Unions chartered by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers.

Objects

Sec. 2. To organize under one banner all workmen engaged in the craft, and to educate them to cooperate in every movement which tends to benefit the organization; to impress upon our membership, our employers, and the public that it is to the advantage of all concerned that workers be organized; the organization of our craft requires honest and intelligent membership, adapted to the business; we teach our membership the advantage, benefits and importance of their industrial position, and we endeavor to build up and perfect a labor organization in conformity with the highest standards of our American and Canadian citizen-

ship; we seek to improve the industry by increasing the efficiency of the service and by instilling confidence, good will and understanding between our membership and their employers, which will have the effect of preventing unnecessary conflicts or serious misunderstandings between the membership and their employers, and which will further encourage cooperation and fair dealing with all employers so as to secure for our membership reasonable hours, fair wages and improved working conditions.

Article II

JURISDICTION, MEMBERSHIP, AND ELIGIBILITY TO OFFICE

Jurisdiction

Section 1. This organization has jurisdiction over all teamsters, chauffeurs, warehousemen and helpers; all who are employed on or around horses, harness, carriages, automobiles, trucks, trailers, and all other vehicles hauling, carrying, or conveying freight, merchandise, or materials; automotive sales, service and maintenance employees, garage workers and service station employees, warehousemen of all kinds employed in warehouse work, stockmen, shipping room employees, and loaders, that is persons engaged in loading or unloading freight, merchandise, or other materials on to or from any type of vehicle; all classes of dairy employees, inside and outside, including salesmen; brewery and soft drink workers; workers employed in ice cream plants; all other workers employed in the manufacture, processing, sale and distribution of food, milk, dairy, and other products; all truck terminal employees; cannery workers; and other workers where the security of the bargaining positions of the above classifications requires the organization of such other workers.

Membership

Sec. 2. (a). Any person of good moral character, employed in the craft or the various employments over which this International has jurisdiction, shall be eligible to membership in this organization. Provided, that hereafter no person shall be eligible for membership in this organization who has not declared his intention to become a citizen of the United States, if a resident of the United States, or of Canada, if a resident of Canada, or who, having declared such intention, has permitted same to lapse.

(b). * Persons who own, lease or operate a team or vehicle and perform work under the jurisdiction of this International Union may be eligible for membership in this International Union.

(c). If, however, any local union can prove to the satisfaction of the General President or the General Executive Board that the admission of such individuals would be detrimental to the welfare of the local union, it may present such facts to the General President or the General Executive Board for authority to refuse to accept such persons as members. The General President shall consider all the facts and circumstances submitted by the local and render a decision in the matter, which shall be binding on such local.

(d). The foregoing provision shall apply with equal force to so-called "venders" and "owner-equipment drivers." A "vender" is a person who purchases products and sells the same on his own behalf. An "owner-equipment driver" is a person

* Sections 2(b), 2(d) and 2(g) of this Article, as they were amended at the 1952 Convention, were subsequently further amended by action of the General Executive Board pursuant to the power vested in it under former Section 2(h) of this Article (here Section 2(g)), such amendments being effective as of December 2, 1952 and appearing as set forth in this printing of the Constitution.

who, in connection with his employment, uses equipment sold or leased to him by his employer or equipment which he has purchased independently but which he uses in whole or in part in the service of his employer. When such persons apply for membership in the International, the local and the International shall have the right and authority as a condition precedent to membership to approve or disapprove of any contract pertaining to such form or similar form of employment.

(e). All contracts hereafter renewed or entered into, pertaining to such form or similar form of employment, shall likewise be subject to such approval or disapproval of the local and International. If, in the judgment of the local or International, such employment contract will constitute a reduction in the union wage scale then prevailing for such service without "owner equipment," the same shall not be approved by the local and such persons shall be ineligible to membership or, if a member, shall cease to work under such conditions or be subject to suspension or expulsion by the local or International.

(f). The General President, when he deems it advisable for the best interests of the International Union, and upon the recommendation of the local union, may allow a person to own more than one team or vehicle and hold membership, provided he hires and employs none but members of the International Union and that he drives a vehicle himself and conforms to the prevailing rate of wages, hours and working conditions of the local union in the locality.

(g). The General Executive Board is empowered when necessity arises to change, alter and amend any provision of paragraphs (b) through (f) inclusive of this section.

Subversive Elements Barred From Membership

Sec. 3 (a). No member of the Communist Party or other subversive organization, nor any person who subscribes or lends support to their doctrines, shall be allowed to hold membership in any local union of the International organization. If by false statements such individual has obtained membership he shall be expelled. It is not necessary that the individual charged with membership in the Communist Party or other subversive organization admit his membership in said party or organization. If the local executive board, by majority vote, is satisfied by the evidence presented that the individual is a member of the Communist Party or of any other subversive organization, or subscribes or lends support to their doctrines, the local executive board shall expel such individual after he has obtained a proper trial, in accordance with our laws.

(b). The action of the local executive board is final and binding, with the understanding that either party has the right to appeal in accordance with this Constitution and subject to the following provision:

(c). If, in the opinion of the General President, the above section has not been complied with in principle and intent by the local union or its executive officers, he or someone appointed by him or acting for him, shall be empowered to reopen and review the case and, if he deems it advisable, he or his representative shall be empowered to transfer the case to the General Executive Board. If the General Executive Board returns a decision of guilty, the decision shall be final and binding.

Eligibility to Office

Sec. 4. To be eligible for election to any office of a local union or the International Union a member must be in continuous good standing for a period of two years prior to nomination for said office and must have worked at the craft as a member for a total period of two years. This does not apply to officers of newly organized local unions, except as follows: In local unions organized for less than two years an individual must be a member and in continuous good standing and must have worked at the craft as a member for at least half of the period of time since the local union was chartered by the International Union. The requirement of having worked at the craft as a member shall not be construed to prevent any member holding local union office at the time of the 1952 convention from continuing in office for the balance of the term thereof, or to prevent him from being eligible for subsequent elections to office in a local union or to election for office in the International Union. To be eligible to hold office in a local union a member must be a citizen of the country in which his local union is located. Officers under this section shall also include members of local executive boards, business representatives of local unions, delegates to central bodies, and delegates to all conventions of labor.

Article III

CONVENTION AND REPRESENTATION

Conventions

Section 1. The conventions of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers shall be held in 1957 and thereafter

every five years at such time and at such place as may be designated by the General Executive Board upon the recommendation of the General President. The International Secretary-Treasurer shall issue a call for the convention not less than two (2) months prior to the date of meeting. In the event of a grave emergency as determined by the General Executive Board which prevents the holding of a convention in accordance with the provisions herein set forth, the same shall be held as soon thereafter as possible, in accordance with the intent and spirit of this Constitution.

Basis of Representation

Sec. 2. Each local union having seven hundred and fifty (750) members or less shall be entitled to one delegate, and one delegate for each additional seven hundred and fifty (750) members or majority fraction thereof, but in no case shall a delegate have more than one vote. No proxy vote will be allowed.

Requisites for Representation

Sec. 3. (a). No local union shall be entitled to representation in the convention that has not been chartered, affiliated and in good standing for 6 months prior to the opening of the convention, and each local union to be entitled to said representation must have paid into the international treasury six consecutive months' per capita tax.

(b). All moneys due the International Brotherhood, whether by per capita tax or otherwise, must be received at least three days prior to the opening of the convention.

(c). The General Executive Board is empowered to grant full representation to any union which has been affiliated with the International Brother-

hood of Teamsters for less than six months when such local union was formerly an independent union or was formerly affiliated with a union other than the International Brotherhood of Teamsters.

Expenses of Delegates

Sec. 4. Each local union shall pay the expenses of its delegates to the International convention.

Election of Delegates and Alternates

Sec. 5. All delegates to the International convention shall be selected by vote at a regular meeting of the local union, or such delegates may be appointed by the executive board of the local union if so authorized by a vote of the local union membership at a regular meeting. All convention delegates, except substitute delegates, shall be selected during the period from the receipt by the union of the convention call up to the thirtieth day preceding the first day of the convention. In the event of disability of a delegate selected by a local union to attend the convention, the executive board of that local union may appoint a substitute to replace such delegate. Each delegate or substitute must be an active member working at the craft. This, however, must not be construed so as to bar the election of salaried officers of local unions or officers of the International Union. All International officers and organizers who have worked continuously for one year or more shall be entitled to all the privileges of regularly credentialed delegates; provided that this shall not be construed to make eligible for International Office an organizer who is not otherwise eligible through having worked at the craft for such a length of time as to have made him eligible for International office as in this Constitution provided.

Credentials

Sec. 6. (a). The secretary-treasurer of each local union shall, immediately after the election of delegates, forward their names to the General Secretary-Treasurer, who shall publish a list of delegates. Each delegate shall present his credentials, properly signed by the president and secretary-treasurer, and the seal of the local union shall be impressed thereon. He shall also present his membership card, establishing that he is a member in good standing and entitled to a seat in the convention.

(b). All credentials must be in the General Office thirty (30) days prior to the opening of the convention.

Committee on Credentials

Sec. 7. (a). The General President shall, preceding each convention, appoint from the delegates-elect a committee of seven, no two from any one state or province, to act as a committee on credentials. Said committee shall meet at the place of holding the convention five days prior to the opening of the convention. The General President or his representative and General Secretary-Treasurer shall also be members of said committee. To this committee shall be referred all credentials. This committee shall have its report in writing ready for the convention when it opens.

(b). The seven appointive members shall receive as compensation for the extra five days' service the same remuneration for services as is paid to the General Executive Board members and organizers, including regular hotel expenses.

Amendments to Constitution; Resolutions

Sec. 8. (a) Thirty (30) days prior to each convention, local unions, members in good standing, or the general officers shall have the right to send to the General President of the International Union proposed amendments or additions to the Constitution, or resolutions, which shall be submitted to the Committee on Constitution when it meets. This shall not deprive delegates to the convention of their right to propose amendments or additions to the Constitution, or to submit resolutions during the sessions of the convention in accordance with rules governing the convention.

(b). Amendments to the Constitution shall be adopted by a two-thirds vote of the delegates present in convention assembled. Duly adopted amendments to the Constitution shall become effective as of the first day of December following the close of the convention unless otherwise specified in any particular amendment adopted by the convention.

(c). The General Executive Board shall have the power, following convention adoption of amendments to this Constitution but prior to printing thereof, to make such corrections, typographical, grammatical, punctuational or otherwise, including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments so adopted.

Quorum

Sec. 9. A quorum shall consist of a majority of the delegates seated in the convention.

Article IV

OFFICERS, DELEGATES AND ELECTIONS

International Officers

Section 1. (a). The officers of the International Brotherhood shall consist of a General President, General Secretary-Treasurer, eleven Vice-Presidents, and three Trustees. The General President, eleven Vice-Presidents and General Secretary-Treasurer shall constitute the General Executive Board.

(b). Vice-Presidents shall be known as first, second, third, etc., in accordance with the date of their election or their appointment.

(c). Not more than two officers from any one city can be elected to hold a position entitling him to a seat on the General Executive Board. The officers of the International Union shall as near as practicable be uniformly distributed throughout the entire country.

Election of Officers and Delegates

Sec. 2. The election shall be in charge of a Committee on Rules appointed by the President of the convention, and all officers shall be installed on the last day of the convention and assume their official duties on December 1, following the adjournment of the convention. All nominations for International officers shall be made in open convention and elections shall be by roll call where there is more than one candidate for any office. It shall require a majority of all votes cast to constitute an election; at every unsuccessful ballot the candidate receiving the lowest number of votes shall be dropped until an election takes place. This shall not apply to Trustees or American Federation of Labor delegates, but in their election each delegate must vote for three candidates for Trustees and

the number of American Federation of Labor delegates decided upon by the convention, and the candidates receiving the highest number of votes shall be declared elected.

Delegates to Conventions of American Federation of Labor; Reports; Expenses; Unit Rule

Sec. 3. (a). At each convention of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, there shall be elected as many delegates to the American Federation of Labor conventions as the membership of the International Union permits. Said delegates shall make a full report of said convention to the General Executive Board in writing; and to the general membership through the official Journal within sixty (60) days.

(b). The expenses of the above delegates shall be paid by the International Union, the amount to be determined by the General Executive Board, with fare to and from the convention and no longer time shall be consumed than is necessary to make the trip. The General President and General Secretary-Treasurer shall act as delegates to the convention of the American Federation of Labor by virtue of their offices.

(c). The unit rule shall prevail in all votes cast amongst the delegates representing the International at the American Federation of Labor and department conventions.

Article V

OFFICERS' SALARIES AND EXPENSES

Section 1. (a). The salary of the General President shall be \$50,000 per year; the salary of the

General Secretary-Treasurer shall be \$50,000 per year.

(b). In the event that the General President or General Secretary-Treasurer leave or relinquish their office, their office shall become vacant, but in the discretion of the General Executive Board they may be continued as advisors to the organization with the title and office of General President Emeritus or General Secretary-Treasurer Emeritus, as the case may be, and in that case their remuneration shall be the same as set forth in subsection (a) above; provided, however, that in the case of the incumbent of the office of General President as of October 1, 1952, he shall at the expiration of his term as General President be continued during his life as advisor to the organization with the title and office of General President Emeritus and as such, shall receive the salary and remuneration set forth in Subsection (a) above and shall, in addition, be entitled to continue to receive and enjoy and shall continue to receive and enjoy all of the benefits and privileges of a monetary nature or value, including but not limited to, those provided for in Section 2 of this Article, enjoyed and received by him as General President. In addition, he shall be authorized and entitled as General President Emeritus to attend and participate in, as a delegate, all conventions of this organization and all conventions of the American Federation of Labor and Departments thereof.

(c). The Vice-Presidents, other than Vice-Presidents who are full time organizers, shall receive a salary of \$500 per month as compensation for attending board meetings, and the three Trustees, if not full time organizers, shall receive a salary of \$200 per month as compensation for performing their duties as Trustees. When engaged in other

duties under orders from the General President, the Vice-Presidents and Trustees who are not full time organizers shall, in addition, receive the same pro rata salary as organizers.

(d). The person holding the office of Assistant to the General President while working under orders of the General President shall be paid a sum fixed by the General President and expenses as allowed to other executive officers and organizers.

(e). Organizers while working under orders of the General President shall be paid a sum fixed by the General President at a rate not to exceed \$20,000 per year.

(f). All executive officers, organizers and others working outside of their home city, or when traveling in the interest of the organization, shall receive their fare in addition to the above named sum to and from their destination, and, in addition shall receive a sum of \$15 per day for hotel expenses. The General President, General Secretary-Treasurer, organizers and other executive officers of the International shall be allowed \$7.50 per day for incidental expenses. All organizers other than special organizers shall be allowed the sum of \$150 per month as automobile expenses.

(g). All special organizers' salaries and expenses shall be determined by the General President, subject to the approval of the General Executive Board.

(h). The person holding the office of executive vice-president shall be paid a sum fixed by the General President.

(i). All salaries or powers to establish them shall be determined by the convention prior to election of officers.

Travel Provisions

Sec. 2. The General President, for the purpose of promoting the interests and welfare of the In-

ternational and the making of diplomatic contacts with other organizations and institutions, and for the purpose of conserving his health, may in his discretion travel in this country or abroad and may take periodic rests. The General Executive Board shall provide for all expenses of the General President when performing the services mentioned herein or when taking periodic rests; the said expenses shall include travel in this country and abroad, the full and complete maintenance of his wife so that she can accompany the General President, and all secretarial help and services which he deems necessary while engaged as afore referred to. The expenses provided for herein are in addition to all other constitutional compensation and allowances.

Article VI

GENERAL PRESIDENT—DUTIES AND POWERS

General Duties

Section 1. (a). The General President shall preside at the Convention of the International Brotherhood and conduct the same in conformity with this Constitution. He shall have the deciding vote in case of a tie on any question that is being voted on by the convention, and shall act to the best of his ability in furthering the interests of the organization. He shall fill any vacancy among the general officers, subject to the approval of the majority of the General Executive Board.

(b). The General President shall have general supervision over the affairs of the International Brotherhood, which shall be conducted in accordance with the Constitution.

(c). The General President shall devote his entire time to the service of the International Brotherhood.

(d). It is understood, however, that this shall not prohibit or prevent him from accepting a call to service by the government of the United States; and if such call is made and he believes that it is in the best interests of the International Union to accept, his position and remuneration as now outlined in the Constitution shall not be interfered with and shall continue.

(e). The General President may appoint a member of the International to the office of Assistant to the General President, who shall receive a salary for the term of his appointment as set forth in Article V, Sec. 1 (d).

(f). The General President, with the approval of the General Executive Board, shall be empowered to appoint assistants to carry on his work if he deems it necessary.

(g). The General President, when he deems it necessary, may appoint an Executive Vice-President, who shall perform his duties and work under the supervision and orders of the General President.

(h). The General President, when so requested by the executive board of a local union, shall have authority in his discretion to direct that a referendum vote be held by the membership of any local union in respect to any question or situation where a vote of the membership is required either under this Constitution or the Constitution or by-laws of the local union involved.

Judicial Powers

Sec. 2. (a). He shall have authority to interpret the Constitution and laws of the International Union and to decide on all questions of law thereunder, and shall have authority, unless some other procedure is expressly provided in this Constitution, to settle and determine all grievances and disputes submitted

to him by joint councils, local unions and other subordinate bodies, subject to appeal to the General Executive Board and thereafter to the next convention in the manner and to the extent prescribed in this Constitution.

(b). When the General President makes a decision or orders a local union to observe the laws, and the local union refuses, the local union shall be subject to suspension or revocation of charter by the General Executive Board.

Arbitration; Procedure; General President Empowered To Submit Question of Arbitration to General Executive Board When Satisfied That Local Is Not Justified in Rejecting Arbitration

Sec. 3. In any controversy with an employer, not covered by a local union agreement, the local union shall make all reasonable efforts to settle the same through negotiation and, if it fails, through a fair arbitration tribunal. If an employer offers to arbitrate, it shall be optional with the local union to accept or reject such arbitration. However, if the local rejects arbitration and the matter is brought to the attention of the General President, he shall ask the officers or representatives of the local to appear before him or his representative or in some other manner to explain their reasons for refusal. If the General President is satisfied that the local is not justified in refusing arbitration, then the General President shall submit the matter to the General Executive Board, and if the General Executive Board is of the opinion that the local union should arbitrate it may so decide, whereupon the local shall proceed to carry out the decision of the General Executive Board.

Supervision Over Strikes and Lockouts

Sec. 4. He shall determine whether an existing strike or lockout is subject to the payment of strike benefits provided for by this Constitution.

Approval of By-Laws of Locals

Sec. 5. By-laws of local unions and other subordinate bodies and amendments thereto shall be subject to the approval of the General President.

Power of General President To Appoint Trustees and Duties and Obligations of Locals Under Trusteeship

Sec. 6. (a). If the General President has or receives information which leads him to believe that any of the officers of a local union or other subordinate body, are dishonest or incompetent, or that such organizations are not being conducted in accordance with the Constitution and laws of the International Brotherhood or for the benefit of the membership, or are being conducted in such a manner as to jeopardize the interests of the International Brotherhood, he may appoint a temporary Trustee to take charge and control of the affairs of such local union or other subordinate body; provided, however, that upon the appointment of such temporary Trustee the General President shall set a time and place for a hearing for the purpose of determining whether such temporary trusteeship shall forthwith terminate or continue, which hearings shall commence within thirty days after the appointment of such temporary Trustee. Adequate notice, at least ten days prior to the date of hearing, shall be given to the local union or other subordinate body involved. In the case of all hearings conducted pursuant to or after

the establishment of a trusteeship, the General President shall have power to depute a representative to act for him in such matter. Such representative shall make his recommendations to the General President, orally or in writing within ten days after the completion of the hearing, and the decision in the case shall be made by the General President himself, which decision shall be made within ten days after such recommendations are received by him and such decision shall be promptly transmitted to the local union or other subordinate body. Appeals from determinations following such hearings may be taken directly to the General Executive Board. Appeals from decisions of the General Executive Board may be taken to the convention by the local union or subordinate body affected. Procedures on appeals under this Section, insofar as is consistent with this Section, shall be governed by the provisions of Article XVIII.

(b). The Trustee shall be authorized and empowered to take full charge of the affairs of the local union or other subordinate body, to remove for the period of his trusteeship any or all officers and appoint temporary officers during his trusteeship, and to take such other action as in his judgment is necessary for the preservation of the local union or other subordinate body and their interests. He shall report from time to time on the affairs and transactions of the local union or other subordinate body to the General President. His acts shall be subject to the supervision of the General President. The General President may remove Trustees at any time and may appoint successor Trustees.

(c). The suspended officers shall turn over all moneys, books and property of the local union or other subordinate body to the Trustee, who must receipt for the same.

(d). Temporary officers and trustees must be members in good standing of local unions in good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.

(e). The Trustee shall take possession of all the funds, books, papers and other property of the local union or other subordinate body and tender a receipt for same. He shall pay all outstanding claims, properly proved, if funds are sufficient. If the funds are not sufficient he shall settle the most worthy claims, as his judgment dictates, unless otherwise provided for in this Constitution. When the Trustee recommends self-government be restored, or when the local union or other subordinate body involved petitions for such restoration (provided that no such petition shall be presented at intervals of less than six months), and such restoration is approved and ordered by the General President, or when the General President himself directs that self-government be restored, the Trustee shall return all funds, books, papers and other property to the local union or other subordinate body. Hearings on petitions for restoration of self-government shall be accorded and shall be commenced within thirty (30) days after receipt of petition, and shall be held in the same manner as provided in Section 6 (a) of this Article relative to hearings on initial appointment of trustees. In the event the charter of the local union or other subordinate body is suspended or revoked, all its funds, books, papers and other properties shall be forwarded to the General Secretary-Treasurer, who shall hold it in trust for the purpose of reorganization.

Removal of International Organizers

Section. 7. The General President, when he deems it for the best interests of the International, is hereby empowered to remove any International organizer.

Countersign Checks; Approve Bills

Sec. 8. He shall countersign all checks drawn on the International Treasury by the General Secretary-Treasurer in accordance with Article VII, Sec. 6, of the Constitution, and approve all bills for services rendered the International Brotherhood.

Audit of Books

Sec. 9. The General President shall employ an expert public accountant to audit the books of the General Secretary-Treasurer on the 1st of April, July, October and January.

Official Journal

Sec. 10. (a). The official Journal shall be published under the supervision of the General President, subject to the approval of the General Executive Board, and a copy of the same furnished directly to each member in good standing who may furnish his name and address to the General President through the local secretary-treasurer. The General President shall be empowered to employ such help as he may need to carry on this work.

(b). It shall be compulsory upon the local secretary-treasurer to send in the name and address of every member in good standing to the office of the General President, quarterly, in order that the members may receive the magazine and keep the mailing list revised at all times.

Vacancy in Office of General President

Sec. 11. The First Vice-President shall, without additional compensation, assume the duties of the General President in case of the death, disability or resignation of that officer until such time as the General Executive Board shall select a General President, who shall hold office until the next convention. The First Vice-President, within five (5) days after assumption of the duties of General President, shall convene the General Executive Board for the purpose of making such selection.

Article VII

GENERAL SECRETARY-TREASURER—DUTIES AND POWERS

General Duties

Section 1. The General Secretary-Treasurer shall keep a correct record of the proceedings of the convention, preserve all important documents, papers, letters received and copies of all important letters sent by him. He shall conduct all financial correspondence between the International Brotherhood and the local unions. He shall be custodian of all the property of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers.

Compensation; Bond

Sec. 2. The General Secretary-Treasurer shall receive such compensation as shall be determined by the convention, and he shall give bond to the General Executive Board in such amount as it deems proper for the faithful performance of his duties.

Issuance of Charter

Sec. 3. Application for charters shall be made to the General Secretary-Treasurer, who shall sign, issue and deliver a charter to the local union upon receipt of the following contract, which must be signed by the secretary-treasurer of the local union:

Charter Contract

Know all men by these presents, that I,
....., Secretary-Treasurer
of the Local
....., located at
....., being authorized
to act for said local, in consideration of the General
Secretary-Treasurer issuing a charter to said local,
hereby agree: That said charter shall remain the
property of the International Brotherhood of
Teamsters, Chauffeurs, Warehousemen and Helpers;
and in consideration of the premises herein stated,
agree that when charter is framed, the frame shall
immediately become the property of the Interna-
tional Brotherhood of Teamsters, Chauffeurs, Ware-
housemen and Helpers. Said local union shall have
custody of said charter until it is demanded by some
person authorized to make such demand, in ac-
cordance with this Constitution; and the charter and
frame shall then be delivered to the person so
authorized to demand and procure the same; and
it is further agreed that any person so authorized
may enter any premises occupied by the said local
or any of its members and take possession and
remove the said charter.

I do further recognize and acknowledge in behalf
of local..... that the name and all
rights and privileges hereunder, are granted this
local union by the International Union, and that all

books, documents, contracts, name, moneys, funds and property of any nature and description which may be obtained, accumulated and maintained by this local union will result, be obtained, accumulated or maintained by the granting of this charter and the rights and privileges thereunder, therefore, in the event this charter is revoked, upon such revocation, all books, documents, contracts, name, moneys, funds and property shall belong to and shall be delivered over to the International Union by it to be retained, as provided for in Article X, Sections 15 and 16 thereof, until the charter is reinstated or a successor local or locals are chartered.

I do further agree in behalf of local
..... that it will abide by the provisions of the International Constitution and amendments thereto, all of which are incorporated herein by reference.

.....
By its Secretary-Treasurer.

Financial Report

Sec. 4. The General Secretary-Treasurer shall publish a financial statement and furnish the Secretary-Treasurer of each local union with a copy of same, together with a statement of an expert accountant, showing the total amount of receipts and disbursements with the cash balance on hand. He shall also furnish the Secretary of each local union with a revised roster showing the number of unions in good standing. At any time a financial report is demanded by two or more local unions, the General Secretary-Treasurer shall give the locals asking for same the correct amount of money on hand in the International treasury and in the strike or general fund.

Method of Determining Representation

Sec. 5. The General Secretary-Treasurer, on sending out credentials, shall figure from June 30, 1952, to four months preceding the opening date of the next convention to ascertain the per capita tax stamps bought by local unions; the number of delegates given to local unions shall be upon this basis. Where it is not possible to hold the convention at the time prescribed by Article III, Section 1, because of a grave emergency, the additional per capita tax payments involved shall be taken into consideration in computing the average monthly membership for the determination of the number of delegates to which the local union shall be entitled.

Finances

Sec. 6. The General Secretary-Treasurer shall receive all moneys due from local unions and other sources, giving his receipt therefor. All moneys shall be placed in the bank in the name of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, except when otherwise ordered by the General Executive Board, in accordance with Article XVIII, Sec. 8, subject to withdrawal only by the General Secretary-Treasurer and the General President, with the exception of twenty-five thousand dollars (\$25,000), subject to withdrawal by check on the signature of the General Secretary-Treasurer for the purpose of paying current expenses. He shall keep a correct financial account between local unions and the International Brotherhood.

Notification of Locals in Arrears

Sec. 7. It shall be the duty of the General Secretary-Treasurer to notify the secretary-treasurer,

the president and the 3 trustees of the local union when said local union becomes in arrears for per capita tax.

Seals; Stamps; Supplies

Sec. 8. (a). The General Secretary-Treasurer shall procure all seals, stamps and supplies and furnish same to all local unions desiring them. (It shall become compulsory upon all local unions to procure, from the general office, with the exception of letter paper and envelopes, all supplies handled by the International Union, as listed from time to time on International order blanks furnished for that purpose.)

(b). Individual members or locals shall not have the power to duplicate the stamps, buttons or paraphernalia issued by the International Brotherhood. Permission may be granted by the General Executive Board to local unions to have stationery and other minor supplies procured in their several localities.

Password

Sec. 9. The General Secretary-Treasurer shall issue the password quarterly.

Other Duties

Sec. 10. The General Secretary-Treasurer shall perform such other duties as are required of him by this Constitution.

Article VIII

TRUSTEES—DUTIES

Audit of Books

Section 1. The Trustees shall audit the books of the General Secretary-Treasurer on the first of

April and October of each year, and report their findings immediately to the General President, and the General President shall, in turn, report to the General Executive Board.

Fiscal Year

Sec. 2. The fiscal quarters of the year shall commence on the first of April, first of July, first of October, and first of January.

Article IX

GENERAL EXECUTIVE BOARD—DUTIES AND POWERS

General

Section 1. Such powers, duties and authority as are not otherwise delegated to the officers of the International shall be exercised, acted upon, and determined by the General Executive Board.

Revocation and Suspension

Sec. 2. (a). Unless otherwise provided in this Constitution, the General President, or General Secretary-Treasurer, when they deem it necessary to suspend or revoke a charter, shall immediately notify the members of the General Executive Board, for their approval of same.

(b). Any local union suspended by the General Executive Board shall lose, for the period of its suspension, all privileges of the International Brotherhood, and the local central labor body shall be notified to exclude its delegates.

Power To Debar From Membership

Sec. 3. (a). The revocation or forfeiture of a charter of a local union for any cause whatsoever shall permit the loss of membership in the Inter-

national Union of all members of the local union whose charter was revoked or forfeited. Upon reorganization of such local union the General Executive Board shall have the power to exclude from membership, in the new local union, persons who were in any way responsible for the revocation or forfeiture of the charter or who, the General Executive Board has reason to believe, are disloyal to the International Union or who may cause disruption in the newly organized local union.

(b). With respect to new applicants to any local union the General Executive Board shall have power to deny membership, in the International Union, to any such applicant when it believes the interest of a local union or the International Union will be best served by so doing.

Trial of Member Assaulting General Officer or Organizer

Sec. 4. Any member or number of members of a local union assaulting or injuring a general officer, or organizer, shall be tried and if found guilty punished by the General Executive Board on such charge in the same manner as hereinafter provided for other trials and punishments by the General Executive Board. If he is found not guilty, his expenses to the place of the General Executive Board meeting shall be paid by the General Office. If he is found guilty he shall be disciplined as the judgment of the General Executive Board dictates and his expenses shall not be paid. If he desires not to attend his trial, he may submit his answer or defense in writing to the Board.

Meetings of General Executive Board

Sec. 5. The General President, and in his absence the General Secretary-Treasurer, and in the absence

of the General President and the General Secretary-Treasurer, the First Vice-President of the International Brotherhood shall have the power to call a meeting of the General Executive Board whenever, in their judgment they deem it necessary. Upon the written request of a majority of the General Executive Board it shall be the duty of the General President to call a meeting of the General Executive Board. A majority of the members of the General Executive Board shall constitute a quorum for the transaction of its business.

Action When Not in Formal Session

Sec. 6. In all matters requiring action by the General Executive Board, and when the General Executive Board is not in formal session, the General Executive Board may act by telegram, letter or long distance telephone. When the General President requires action by the General Executive Board, he may obtain the same by telegraphing, writing or telephoning to the members of the General Executive Board, and such members may take action on the matter brought to their attention in the same manner. Such action so taken by the majority of the members of the General Executive Board shall constitute action of the General Executive Board as though the General Executive Board was in formal session.

Special Conventions

Sec. 7. Special conventions may be called when a majority of the members of the General Executive Board deem it necessary.

Employment of Clerical Help

Sec. 8. The General President and General Secretary-Treasurer shall have the power to employ

such clerical assistance as may, from time to time, be necessary. Such help shall be paid reasonable salaries from the general fund, all of which shall be subject to the approval of the General Executive Board.

Article X

INITIATION FEES, PER CAPITA TAX, ETC.; BOOK AUDITS OF LOCALS

Revenue

Section 1. The revenue of the International Brotherhood shall be derived as follows:

Organization fee, which includes seal and all other organization supplies, \$15.

From the sale of supplies to local unions and from the sale of stamps of the following denominations: Initiation stamps, which are \$1.00; monthly due stamps (per capita), 40 cents.

(See Sec. 4 of this Article for additional revenue when initiation fee exceeds \$25.00.)

Assessments for Emergencies

Sec. 2. Whenever the funds of the International Union run below five million dollars (\$5,000,000) the General Executive Board shall levy an assessment of one dollar (\$1.00) per member on all local unions. Any local union failing to pay the assessment shall not be entitled to any of the benefits of the International organization. After being properly notified and given a reasonable length of time, if the union further refuses to pay the assessment, said local shall be suspended. Any local union failing to pay the assessment shall not be represented at the International Convention.

Payment of Initiation Fees, Reinstatement Fees, and Per Capita Tax

Sec. 3. (a). Each local union shall pay to the General Secretary-Treasurer the sum of one dollar (\$1.00) for every initiation fee or equivalent thereof collected up to and including twenty-five dollars (\$25.00). When the initiation fee exceeds \$25.00 there shall be paid to the International 10% of the total initiation fee.*

(b). Each local union shall pay to the General Secretary-Treasurer a per capita tax of 40 cents per month, payable for the current month, not later than the 10th day of the succeeding month.

(c). All reinstatement fees paid into the local union shall be figured as monthly dues and the per capita tax must be paid on the same. The General Secretary-Treasurer shall receipt for all initiation fees and per capita tax by giving stamps of the above-named denomination.

Per Capita Tax; Preferred Payment

Sec. 4. Per capita tax due the International Union each month shall be paid before the payment of any other bills or obligations of the local union.

Payment of Dues and Fees and Receipt Therefor

Sec. 5. (a). Any member paying his initiation fees, monthly dues or reinstatement fees shall receive stamps from the local secretary-treasurer, who shall carefully paste the same on the space provided for in the member's official due card, and cancel

* When initiation fee or equivalent is \$25 or less \$1 to be paid to International; when initiation fee or equivalent exceeds \$25 payment to International is 10% of total initiation fee (Illustration: If initiation fee is \$50, International receives \$5).

the stamps with the dater provided for this purpose and affix his signature (on the date the initiation fees, monthly dues, or the reinstatement fees are paid) and said stamps shall at all times be acknowledged as a receipt for payment in full for all amounts, as designated by the stamps.

(b). Any local secretary-treasurer refusing to stamp or otherwise receipt the members' due books according to the amount of dues paid shall be liable to expulsion when the General Executive Board takes such action. Any member refusing to turn in his due book when requested shall be liable to a fine or suspension upon his local executive board taking such action. Any local union may, with the approval of the General Secretary-Treasurer, install and utilize a mechanical device or machine to record or register payment and receipt of fees and dues.

(c). All members paying dues to local unions must pay them on or before the first business day of the current month, in advance. Any member failing to pay his dues at such time shall not be in good standing. Any member who shall be three months in arrears in the payment of dues, fines, assessments, or other charges, at the end of the third month, shall automatically stand suspended and shall not be entitled to any rights or privileges as a member of the local union or International Union. Local unions may provide suspension or expulsion for lesser period of arrearages.

(d). A local union may provide by-laws for the payment of quarterly dues, provided such by-laws are approved by the General President of the International Union. In any instance where a local union has provided for the payment of quarterly dues under this Section, any members thereof failing to pay such quarterly dues in accordance with such provisions shall not be considered in good standing.

(e). No other system of receipting for initiation fees, monthly dues or reinstatement fees will be recognized by the International Brotherhood.

Orders for Stamps and Supplies

Sec. 6. All orders for stamps or supplies must be made on the regular official order blank and have the seal of the local ordering same attached and all money sent to the General Secretary-Treasurer must be sent by postoffice or express money order, certified check or draft.

Reports To Be Furnished by Local Secretary-Treasurer

Sec. 7. (a). The local secretary-treasurer shall forward monthly to the General Secretary-Treasurer the names of all members initiated or reinstated, together with those who become suspended for non-payment of dues or for any other cause; also a correct list of those who take transfer or withdrawal cards, and shall promptly notify the General Secretary-Treasurer upon the death of any member.

(b). The local secretary-treasurer shall forward to the General Secretary-Treasurer the name of any member coming in on a transfer or depositing a withdrawal card. The penalty for violation of this section shall be expulsion from the local and International Union. The secretary-treasurer shall read his report to the local for approval at the first meeting in the month, and, at once, sign, seal and forward the same to headquarters.

(c). The General Secretary-Treasurer shall notify the local secretary to comply with the laws, and if he does not, he shall be removed from office for the second offense.

Surety Bond

Sec. 8. (a). All local secretary-treasurers, business representatives and others who handle funds and property of the local union upon assuming office, or employment, shall immediately procure a suitable surety bond. Said bond must be procured from a recognized bonding company authorized to do business in the state where the local is situated, a copy of which shall be kept on file at the General Office. The original shall be retained by the trustees of the local union. The International Secretary-Treasurer may direct the increase or decrease in the amount of the bond when he deems it necessary and advisable.

(b). Any local secretary-treasurer or business representative failing to obtain or secure or provide a suitable surety bond satisfactory to the General Secretary-Treasurer or the General Executive Board shall automatically be deprived of holding any office for which a bond is required. Local officers failing to comply with this section shall subject the charter of such local union to suspension or revocation. The General President or the General Executive Board shall be empowered to suspend or revoke the charter of such local union for failure to comply with this section.

Filing of Monthly Audits

Sec. 9. (a). It shall be compulsory upon the trustees of all local unions to send a copy of their monthly audit to the General Secretary-Treasurer, to be placed on file in the General Office. Books of all local unions must be audited monthly by trustees.

(b). It shall be compulsory upon the trustees of all local unions or upon such other officer to whom the request is made to furnish such information as may be requested by the General Secretary-

Treasurer pertaining to finances and payments on uniform blanks to be furnished for such purpose by the General Secretary-Treasurer.

Deposit of Money

Sec. 10. It shall be compulsory upon all local unions to keep their money deposited in reliable banks in the name of the local unions, and all moneys paid out for the local union must be paid by check upon the order of the local union and signed by at least 2 elective officers in the manner provided for by the local union by-laws.

Audit of Books of Local Unions

Sec. 11. (a). Any organizer or officer of the International Union may be delegated, instructed and empowered by the General President or General Secretary-Treasurer to audit or to employ auditors to audit the books of any local union or unions.

(b). Local union officers shall give the delegated officer for examination, all books, bills, receipts, vouchers and records, bonds, securities or other evidences of ownership to property or investments, of the local whenever requested.

(c). Any officer of a local union refusing to turn over the books, bills, vouchers or records to the delegated officer shall be subject to discipline under the provisions of Article XVIII, likewise, shall be liable to expulsion by the General Executive Board.

(d). Any member refusing to show his due card when asked shall be fined \$10.

(e). If the officer delegated to audit the books discovers any dishonesty or incompetency in the officers which warrants him in notifying the General President and General Secretary-Treasurer he shall do so and they shall take whatever action they deem advisable. The officers auditing books shall

make a monthly report to the General President and General Secretary-Treasurer and shall have full power to go to any bank where a local union has its money deposited and investigate, and also get a certified balance sheet from the bank.

(f). The books of every local union that has been chartered over one year shall be audited between conventions.

Arrearage in Per Capita Tax

Sec. 12. Where the books of a local union have been examined and audited and arrearages to the General Office for per capita are found, same must be paid immediately. No per capita nor initiation stamps will be forwarded covering same, simply a receipt signed by the General Secretary-Treasurer covering the amount of per capita paid.

Penalty for Arrearage

Sec. 13. Should a local union become six months in arrears for per capita tax, their charter shall stand revoked. The General Secretary-Treasurer shall notify all local unions when two months in arrears, but failure to receive such notice shall not prevent the suspension of the local union, should it become three months in arrears.

Return of Funds, Books and Property Upon Revocation or Dissolution

Sec. 14. When the charter of a local union is revoked, the local union or its officers shall be required to turn over all books, documents, property and funds to the General President or his representative, or to the General Office of the International Brotherhood, and should a local union secede, disaffiliate or dissolve or be dissolved, or suspended or forfeit its charter, then all books, documents,

property and funds shall likewise be turned over to the General President, or his representative, or to the General Office to be held in trust until such time as the local union may be reinstated or reorganized.

Reorganization

Expenses Incurred in Recovering Property and Funds Are Chargeable to Funds or Property Recovered

Sec. 15. Whenever a local union secedes, disaffiliates or dissolves, or its charter is suspended or revoked, and demand is made upon such organization or its officers to deliver to the General President or his authorized representative the records, property and funds of such organization, and such demand is refused, then all expenses, of whatever nature, incurred by the International in recovering such records, property and funds, shall be a lawful charge upon the property and funds involved, and on recovery thereof, the International shall reimburse itself from the property and funds recovered. All property and funds shall be held in trust by the International until reorganization has been effected and shall be returned to the local when the same has been reorganized. If no reorganization is effected within a six-months period, then all properties and funds of such local union shall become the property and funds of the International Brotherhood. Reorganization shall be effected by and under the direction of the International.

Article XI

FINANCE COMMITTEE—DUTIES

Section 1. There shall be a Finance Committee consisting of the General President, the General Secretary-Treasurer, and a third member to be named

by the General Executive Board. This committee shall have the power to invest the funds of the International Brotherhood.

Provided, That not more than \$50,000 be invested in bonds of any one corporation, except when the investment is in United States Government, State, County or Municipal bonds; *Provided further*, That nothing herein shall limit the General Executive Board to purchase or erect a building for General Offices for the use of the International Union and rental to others. Securities purchased shall be kept in a safety deposit box or boxes which shall be opened in the presence of two members of the Finance Committee.

Sec. 2. The Finance Committee, if requested so to do by the International, shall furnish a bond, payable to the International, in such sum and in such manner as the General Executive Board shall require.

Sec. 3. The General Executive Board shall be empowered, when it deems it necessary for the maintenance, protection and preservation of the labor movement, to make loans or advances to other labor organizations in a sum not to exceed in the aggregate 6% of the total assets of the International Union.

Article XII

STRIKES, LOCKOUTS, WAGE SCALES, DISPUTES OVER JURISDICTION

Strike Action by Local Unions

Section 1. (a). When any difficulty or dispute arises between the members of any local union and their employers, it shall be the duty of the officers of such local union to use every possible means of achieving a settlement or resolution of the difficulty

or dispute through the processes of collective bargaining.

(b). If a settlement cannot be reached the union shall, at a meeting, order a secret ballot to be taken, and it shall require a two-thirds majority of all members of the union present to adopt a motion to strike. The ballot must be "Yes" or "No" written on paper ballots. In the alternative the local union, if so determined by the Executive Board of such local union, may conduct such strike vote by referendum ballot of the entire membership in which event it shall also require a two-thirds majority vote of those responding to the referendum ballot in order to authorize a strike. In any strike situation the General President or the General Executive Board is authorized to direct that strike vote be taken by a referendum ballot.

(c). Prior to a local union becoming involved in a strike, lockout, boycott, lawsuit or any serious difficulty, such local union shall immediately notify the Joint Council of which it is a member of any contemplated action setting forth the action contemplated and nature of the difficulty. The Joint Council shall then take steps to approve or disapprove such contemplated action. The Joint Council shall notify the General President of the steps it has taken in respect to such contemplated action. The General President is authorized to approve, disapprove or modify the action of the Joint Council. Approval, disapproval or modification of the action of the Joint Council or the local union by the General President shall not operate to impose any liability on the International or its officers or to make them parties to any such action. The International does not assume any liability of any nature to any person or persons simply by reason of such approval, disapproval or modification.

(d). The Executive Board of a local union may, in its discretion, provide that the strike vote mentioned in Section 1 (b) above, be limited to the members employed in a particular division, craft, or place of employment. In cases of conferences, the provisions of this Article, with respect to strike votes, shall be satisfied if a majority of the local unions affiliated with such conference have voted to strike in accordance with the provisions of this Article, in which event such strike vote shall apply to all such affiliated locals. Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement.

Payment of Benefits

Sec. 2. The General Executive Board shall have the power to pay out the entire International Treasury to a local union that is on strike, where the General Executive Board has recognized the strike as one properly subject to the payment of the constitutional benefits provided for herein.

Consent of General Executive Board

Sec. 3. Any local union going out upon strike without prior recognition thereof by the General Executive Board as being a strike properly subject to the payment of strike benefits, under the provisions of this Constitution, shall not be entitled to financial benefits from the International Union, provided for by the Constitution.

Strike Benefits

Sec. 4. Strike benefits in strikes recognized as properly subject to the payment of strike benefits or relief in cases of lockouts, etc., shall be paid to

all members not in arrears for dues in excess of one (1) month and otherwise in good standing, who are members of a local union not more than one (1) month in arrears in per capita tax at the rate of \$15 per week; provided that whenever the total net assets of the International shall reach an amount more than five million dollars below the amount of such assets as disclosed by the General Secretary-Treasurer's report to the 1952 convention then, and in that event, the rate of strike benefits shall revert back to \$10 per week for such period of time as such total net assets shall remain below such amount. Such strike benefits will be payable at the end of the second week of the strike or lockout; but in no case shall a fraction of a week's strike pay be allowed nor the first week of a strike or lockout be paid for, provided that in the last week of a strike the first four days or more of such strike shall be considered a week; any arrearages for dues, and dues one (1) month in advance shall be deducted from the first payment of benefits and duly credited to the member or members so in arrears so as to maintain such member or members in good standing and preserve his or their rights, if any, to financial benefits. All members shall be entitled to the strike benefits provided for herein for such a period of time as the General Executive Board shall determine.

Requirements for Payment of Strike Benefits

Sec. 5. (a). No local union shall receive strike benefits from the International Brotherhood unless the local union has been six months in good standing, provided that local unions chartered for a period of six (6) months or less prior to applying for strike benefits shall be required to have been in continuous good standing from the time of its chartering in order to be eligible for strike benefits.

(b). Any local union which has not paid per capita tax on every member who has paid dues into said local, and which has not enrolled its entire membership at Headquarters, shall not be entitled to benefits in case of a strike or lockout.

(c). A local union or member more than one month in arrears for per capita tax or dues shall not be entitled to strike benefits, and should a local union or member become three months in arrears for per capita tax, dues, fines, etc., they shall stand suspended and shall not be entitled to benefits for three months after all arrears have been paid.

(d). No member of a local union on strike shall be entitled to a weekly benefit unless he appears in person at Headquarters, or other designated place, and reports daily to the proper officers of the local or International Union while the strike continues, and no member who shall receive a week's work (three days to be considered a week) shall receive benefits. Any member refusing to work for an employer considered fair, while on strike, shall be debarred from all benefits under this law.

Payrolls, Reports

Sec. 6. (a). The General Secretary-Treasurer shall, on or about the end of the second week and each succeeding week of a strike or lockout, forward to the local secretary-treasurer or deputy a check covering a sufficient amount to pay each week's benefits, and he shall also furnish blank payroll sheets on which each member shall sign for the amount received, said payroll to be made in duplicate.

(b). The local secretary-treasurer or deputy shall forward the original payroll to Headquarters, but shall retain a carbon copy of the same for future

reference, and the executive board of the local union that is out on strike shall endorse the payroll.

(c). Failure to receive receipted payroll sheets in due time at the General Office will be sufficient cause for the discontinuance of benefits to any local union failing to comply with this law.

(d). During the continuance of a strike the deputy or strike committee of the local union shall make weekly reports to the General Secretary-Treasurer, showing the amount of moneys distributed for benefits, the number of beneficiaries and all other facts that may be required.

Termination of Strike

Sec. 7. The General President, with the sanction of the General Executive Board, shall have the power, when satisfied upon facts and information in his possession that the support of a strike or lockout shall cease, to declare the same at an end so far as the financial aid of the International Union is concerned.

Return of Unused Strike Funds

Sec. 8. All moneys from the International defense fund remaining unused by the local union at the close of the strike or lockout shall be returned at once to the General Secretary-Treasurer.

Lockout

Sec. 9. Among other circumstances, a declaration on the part of an employer, or a combination of employers, to the effect that their employes must cease their connection with the Brotherhood or cease work, shall be deemed a lockout. In case a lockout is reported to the International Brotherhood, the General President shall endeavor to obtain a satisfactory proof that the difficulty is a bona fide

lockout. Also a lockout shall be deemed to exist when an employer refuses to permit his employees to continue at work, unless such employees agree to a substantial and material breach of an existing agreement or refuses to permit work with or without stated reasons or conditions.

Sec. 10. Nothing herein contained concerning the manner of calling strikes or concerning the legality of strikes for the purpose of obtaining the payment of International strike benefits shall affect the legality of the strike in respect to the employer against whom the local union instituted such strike; nor shall any provision contained herein concerning strike recognition for payment of strike or lockout benefits be intended to constitute the International Union a party to such strike or lockout.

Wage Scales and Approval Thereof

Sec. 11. (a). Any local desiring to present a wage scale to its employers shall first submit a copy of the same to the Joint Council, if one exists in its city or vicinity. Should the same have the approval of the Joint Council, it shall be compulsory upon the local unions to forward a copy of the wage scale to the General President for his sanction before the same shall be presented to any employer. The General President shall have the power to inquire into the conditions surrounding the local union, and if, in his judgment, conditions do not warrant the presentation of the same, he shall immediately notify the local union of his decision in the matter. A copy of the wage scale must be in the hands of the General President at least thirty (30) days before presenting the same to the employers.

(b). True copies of final agreements arrived at by a local or a Joint Council shall be filed in the

office of the General President immediately upon consummation.

(c). Approval or disapproval by the General President of wage scales or other agreements is not intended to impose any liability on the International or its officers; and the International does not assume any liability of any nature to any person or persons for such approval or disapproval.

(d). No contract entered into between a local union and any employer or employer group shall be valid and binding upon such local union until approved by the General President or unless approval thereof is at any time specifically waived by him or his representative.

Disputes Over Jurisdiction

Sec. 12. Where two or more local unions are in dispute concerning jurisdiction, there shall be no work stoppage of the involved operation, but such controversy shall be submitted for determination to the Joint Council. If any party to such dispute is aggrieved by the decision of the Joint Council, it may appeal to the General President for the appointment of a special committee which in his discretion he may appoint for the purpose of holding a hearing and making a report and recommendations on the issues raised. The committee shall make its report and recommendations to the General Executive Board for its decision, which shall be final and binding. The parties shall not be entitled to any further hearing or appearances before the General Executive Board. Pending and as a condition to appeal and until such time as the Executive Board makes its decision, any party taking an appeal under this Section shall comply with the determination of the Joint Council.

Any local union violating this provision and engaging in any strike or work stoppage or refusing to comply with the decisions so rendered in accordance with this provision, shall be subject to the appointment of a trustee, revocation of charter, or such other penalty which the General Executive Board may propose.

Article XIII

ASSISTANCE TO LOCAL UNIONS

General Assistance to Local Unions

Section 1. No local union shall receive financial assistance from the International Brotherhood unless the secretary-treasurer of said local union has been bonded in accordance with the provisions of this Constitution.

Assistance From Sister Locals

Sec. 2. All local unions affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, soliciting financial aid from sister local unions, must first receive official approval and endorsement from the General Executive Board.

Article XIV

CHARTER MEMBERS, DUES, MEETINGS OF LOCALS

Charter Members

Section 1. (a). Charter members shall consist of the names forwarded to Headquarters with the application for charter, and local unions must procure initiation stamps for all charter members, but charter members shall not be required to pay per

capita tax for the month in which they receive their charter.

(b). Charter members shall receive a free copy of the Constitution and official due card from the International Union.

(c). A local union may, by a majority vote, keep its charter open for a term of thirty or sixty days after receiving the same, but all members initiated must have their official due cards stamped as provided by Article X, Sec. 6 (a).

Dues and Meetings of Locals; Forfeiture of Financial Benefits for Failure To Hold Meetings

Sec. 2. (a). Dues of members of all local unions chartered by the International Union shall not be less than three dollars (\$3.00) per month; provided that in the case of locals chartered after the 1952 convention (except in the case where one or more locals are created and chartered out of an already existing local or locals) the dues of the members of such local unions shall be not less than two dollars (\$2.00) for the first year following such chartering.

(b). All local unions must hold meetings at least once a month, except where the General Executive Board is satisfied, from evidence provided by the local unions, that it is impossible or unsatisfactory or unreasonably expensive, and in such cases the General Executive Board shall establish such conditions relative to the holding of meetings as in its judgment it deems advisable. Provided, however, meetings may be suspended without such approval during June, July and August by action of the local union.

(c). Any local failing to comply with this Section

during the twelve (12) month period immediately preceding application for benefits or in the case of a local chartered for less than twelve (12) months during the period following its chartering shall not be entitled to any financial or other benefits from the International Union, provided that the General Executive Board may, for good cause shown, waive the requirements of this Constitution in respect to the paying of financial or other benefits and authorize the payment of same. The General Executive Board may revoke the charter of any local union failing to comply with this section.

Article XV

JOINT COUNCILS

Formation of Joint Councils

Section 1. (a). Whenever three or more local unions are located in one city they shall form a Joint Council, but where there are only a few local unions in small cities or towns adjoining or adjacent to large cities, they shall affiliate with the Joint Council in the large cities.

(b). In localities composed of small cities and towns, the General Executive Board shall decide when, where and by whom Joint Councils shall be formed. Should any dispute arise as to the jurisdiction of a Joint Council, it shall be decided by the General Executive Board.

(c). Whenever in the judgment of the General Executive Board the jurisdiction of a Joint Council should cover a wider area, the General Executive Board may so order.

Representation

Sec. 2. (a). Each local shall be entitled to seven delegates, excluding its Business Representative.

(b). The seven executive officers of each local union shall constitute the delegates to the Joint Council. The Business Representative shall be entitled to the floor, but cannot introduce a motion or vote.

Dues

Sec. 3. Local unions shall pay monthly dues, proportionate to their numerical strength, sufficient to maintain the organization.

Judicial Powers

Sec. 4. (a). Joint Councils shall have full power to adjust all questions of jurisdiction between local unions, subject to the provisions of Article XII, Section 13, to try cases against local unions, cases appealed from local unions, and to try individual cases which local unions refuse or neglect to try in accordance with the trial procedure provided for in Article XVIII.

(b). Should any member violate his obligation by refusing to employ union men, or to patronize and assist members of the International Brotherhood, the member who may have been aggrieved shall present his case in writing to the Joint Council and if there is no Joint Council then to the General Executive Board and they shall hear and decide the case and report their decision back to each affiliated local.

(c). In order to facilitate the work of the General Executive Board, the General President is empowered to appoint a grievance committee of three members to hear appeals and to refer to it appeals taken to the General Executive Board. The grievance committee shall meet at the time and place designated by the General President. This committee shall afford the parties to the appeal the same character of hear-

ing as would be given the parties by the General Executive Board and the same procedure shall apply as is provided for appeals to the General Executive Board. When the hearing is concluded before the committee, it shall make its report and recommendations to the General Executive Board for disposition of the appeal: The decision in the case shall be made by the General Executive Board. The parties to the appeal shall not be entitled to further hearing or further personal appearance before the General Executive Board.

By-Laws for Joint Council

Sec. 5. A Joint Council may make such by-laws as it deems proper, provided it does not conflict with the laws of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers. Such by-laws and amendments thereto shall be submitted to the General President for approval and shall have no force nor effect until approved by the General President; regardless of approval, if any conflict should arise between such by-laws or amendments thereto and the International Constitution or amendments thereto, the provisions of the International Constitution shall control.

Affiliation of Local Unions

Sec. 6. All local unions within the jurisdiction of the Joint Council shall affiliate with the Joint Council, comply with its laws and obey its orders.

Conferences

Sec. 7. Experience has demonstrated that conferences are beneficial to this International Union and its affiliates and should, therefore, be recognized as organic bodies within this International Union; therefore, conferences shall be organized on such

geographical areas or trade divisions as the General Executive Board may direct; that they shall be at all times subject to the supervision and control of the International Union; they shall function under rules and by-laws laid down by the General Executive Board. The International Union Constitution shall supersede conference by-laws in the event of conflict.

Affiliation with and participation in activities of conferences by local unions shall be necessary when and to the extent ordered by the General Executive Board in its discretion.

Failure on the part of any local union to obey any order issued by the International Union in respect to such affiliation and participation shall subject such local union to the disciplinary provisions provided for in this Constitution for disobedience of orders of the International Union and of its General Officers.

Article XVI

CHARTERED MISCELLANEOUS LOCALS

Section 1. (a). Whenever there is not a sufficient number of any one craft, a mixed local may be formed. There shall be only one local union of any craft chartered in any city, except in localities where it may be necessary, and in such cases the General Executive Board shall, after consultation with the Joint Council, have full power to determine the advisability of issuing a separate charter.

(b). Whenever there is a mixed local union in existence, any separate and distinct division of each craft consisting of four hundred (400) or more members may apply to the International for a separate charter. However, such group shall first make request of the local union with which it is affiliated for approval of its application for a

separate charter. If such request is denied, or if the local fails to act upon the same within a reasonable time, then the application may be made to the International. Thereupon, the General President shall consider the matter, and if he deems it for the best interests of the organization he may order and direct, subject to the approval of the General Executive Board, that a separate charter be issued to the group applying for same. In the consideration of such application the General President shall notify the mixed local of the application for such separate charter, so that it may present argument in opposition to the issuance of such separate charter. When a separate charter is issued to a separate group as herein provided, all matters coming under the jurisdiction of the newly chartered local must be transferred to said new local. It shall be incumbent upon the mixed local union to provide the necessary funds with which the newly constituted local shall obtain its charter.

(c). Whenever, after a hearing, the General President, with the approval of the General Executive Board, or the General Executive Board determines that it is in the best interests of the local and International Union that new local unions be established from existing local unions, such division may be so ordered, together with the terms and conditions upon which it shall be carried out.

Article XVII

TRANSFER AND WITHDRAWAL CARDS

Duty To Accept Transfer Card

Section 1. It shall be compulsory upon every local union to accept the transfer card of a member in good standing with any local union of the International Organization, without any extra charge or

fees, except as provided in the International Constitution provided, however, the member seeking to transfer shall comply with all rules and regulations set forth in this Constitution respecting transfer; and provided further he shall comply with rules and regulations of the local and its constitution and by-laws. Such union shall accord him opportunity for employment and all other rights and privileges in accordance with the rules and regulations of the local union to which he seeks to transfer.

Transfer Card **Date of Initiation**

Sec. 2. This is to certify that the bearer hereof, Brother, whose name is written on the margin of this card in his own handwriting, is a member in good standing of Local No., International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, and is entitled to all rights and privileges under our jurisdiction.

We recommend him to the friendship and protection of all members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, wherever he may be, and to free admission, provided he has been a member not less than ninety days in the local union from which he transfers, otherwise he shall pay the difference in the initiation fee to the local union to which he transfers.

This card expires, 19....., and is null and void after that date, unless renewed or deposited in accordance with the Constitution.

The member receiving this card will be suspended from all rights and benefits unless the card is renewed by the local union before its expiration. It will also be forfeited unless deposited within thirty days after going to work in any town or city where there is a local union.

This card is issued in accordance with provisions of Article XVII, Sec. 1, and Article XVII, Sec. 3, of the International Constitution.

Given under our hands and the seal of Local Union No., this day of, 19.....

(SEAL)

Deposit of Transfer Card

Sec. 3. (a). It shall be compulsory for a member working under the jurisdiction of another local union to procure a transfer card from the local of which he is a member, and to deposit the same with the local union under whose jurisdiction he is working. Immediately upon going to work or before if practicable, he shall make a request in writing of the local union of which he is a member and from which he seeks to transfer for the issuance of a transfer card to him, and shall also apply to the secretary-treasurer of the local union into which he is seeking to transfer for approval of that secretary-treasurer so to transfer. No transfer card shall be issued unless such approval has been obtained in writing attested to by such secretary-treasurer. Within forty-eight (48) hours after a member has received a transfer card he shall deposit the same with the local union to which he seeks to transfer, and upon such deposit the transfer shall become effective. Upon transfer the member is subject to the rules, by-laws and agreements of the local union to which he has transferred. The local union from which a member has transferred shall be obliged to refund to such member dues paid in advance to such local covering the period from the end of the month in which such member has transferred to the end of the period for which such dues have been paid in advance. If a member continues to work under the

jurisdiction of another local union after having been refused a transfer card or after having failed to apply for such transfer card as specified herein, or after the Joint Council has decided he should transfer, and he has refused, he thereby forfeits his membership, and his local must not accept any more dues or furnish him with a button. Refusal to issue a transfer card or to approve a transfer may be appealed to the General President and thereafter to the General Executive Board in accordance with the appeal procedures provided for in this Constitution, excluding, however, appeal to the convention.

(b). When seeking transfer, said member shall present to the local union into which transfer is sought proper and satisfactory identification and also produce an official due card stamped up to date. Salaried officers of the International Brotherhood shall not be required to transfer from their respective locals while employed by the International Organization.

Jurisdiction to Issue Honorable Withdrawal Card

Sec. 4. Local unions shall have jurisdiction over the granting of all honorable withdrawal cards. Refusal to grant honorable withdrawal card shall be subject to appeal in accordance with the appeal procedure provided for by this Constitution, excluding, however, any appeal to the convention.

There shall be a charge of twenty-five cents (25 cents) to any member receiving a withdrawal card, and it shall be the duty of the secretary-treasurer of the local union receiving such charge to duly record the payment thereof in his cash book and carry it to his ledger.

The following provisions shall govern withdrawal cards and shall be embodied in the withdrawal card in the form prescribed by Section 5 hereof:

Honorable Withdrawal Card

Sec. 5. (a). This is to certify that the bearer hereof, Brother, whose name appears on the margin of this card in his own handwriting, has paid all dues and demands and withdrawn in good standing from membership in Local No.

(b). This card entitles him to readmission to the local union from which this card was issued at any time, subject, however, to the provisions of subsection (e) of this section.

(c). Any member of the International Union leaving our employment or going to work at another craft or occupation, must be given an honorable withdrawal card and cannot remain a member of the International Union; but before a withdrawal card is issued the individual must comply with all rules and laws of the local and International Union.

(d). Any ex-member out on a withdrawal card and desiring to return to membership, must first deposit his withdrawal card with the local union by which it was issued; and upon the withdrawal card being accepted, the member shall be subject to the rules and laws of the local union. Refusal of any local union to accept a withdrawal card shall be subject to appeal in accordance with appeal procedure provided for by this Constitution, excluding, however, any appeal to the convention.

(e). Local unions must not accept withdrawal cards if the member has committed any offense while out on withdrawal card which would be injurious to union principles. Also if the local union is

paying benefits and the member has fallen into bad health or is liable to become a charge against the local or International Union, acceptance of the withdrawal card can be refused by the local union. Likewise acceptance of withdrawal card may be refused where adverse employment conditions exist.

Given under our hands and seal of Local Union

No., this day of

19.....

(SEAL)

....., Secretary.

....., President.

Article XVIII

TRIALS AND APPEALS

Trials of Local Officers and Members— Procedure

Section 1. (a). A member or officer of a local union, charged with any offense constituting a violation of this Constitution, shall, unless otherwise provided in this Constitution, be tried by the Local Executive Board. If the member charged or proposing the charges is a member of such Board then the president of the local shall appoint a disinterested member as a substitute.

(b). Whenever charges are preferred against any member or officer of a local, the charges shall be filed in writing in duplicate with the secretary of the local union, Joint Council or General Executive Board which is to try the case. No member or officer of a local shall be tried unless he or she shall

be served by the secretary, personally or by registered mail, with a written copy of such charges specifying the nature of the offense of which he or she is accused. Thereupon, the accused shall be required to stand trial at the time and place designated, which shall not be less than ten (10) days from the date the charges are served upon the accused. The accused may appear in person, and with witnesses, to answer the charges preferred against him or her. He may select a member of his local to represent him in the presentation of his defense.

(c). If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose disciplinary action as provided for in this Constitution. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the local union.

(d). Upon filing of such charges, and if the same are of such magnitude and seriousness as to jeopardize the interests of the local or International, then and in that event the General President, if the matter is brought to his attention, may, if he deems it advisable, immediately suspend such member or officer from membership or office in the local union until a decision has been rendered in the case.

Appeals of Local Officers and Members

Sec. 2. (a). In the event disciplinary action is taken against the accused, he or she may take an appeal from the decision of the Local Executive Board to the Executive Board of the Joint Council, if one exists, otherwise the appeal shall be taken to the General Executive Board. Appeals from decisions of the Executive Board of Joint Councils

may be taken to the General Executive Board. In all matters involving officers of subordinate bodies and individual members there shall be no further appeal from the decision of the General Executive Board. Where elective officers of the International Union are involved, and as to all other matters not specifically excluded herein, appeals from decisions of the General Executive Board may be taken to the next Convention. All manner of appeals shall be taken within fifteen (15) days from the date the decision is placed in the mail or otherwise transmitted to the interested parties.

(b). The appellant shall mail a written notice of such appeal to the secretary of the body to which the appeal is directed. No specific form or formality shall be required, except that such notice shall clearly state an appeal is being taken from the particular decision rendered in the particular case. Pending any appeal, the decision appealed from shall remain in full force and effect. Appeals shall be heard either on the record made before the trial tribunal or by a re-trial, in the discretion of the body hearing the appeal. Decisions on appeals shall be rendered as promptly as possible after the appeal has been heard. The date when an appeal will be considered by the appellate body may be fixed by it, but it shall proceed without unnecessary delay. Notice of the date when the appeal will be heard shall be served personally or by registered mail on the parties interested in the particular case, and such parties may, in the discretion of the appellate body, be accorded the right to appear before the appellate body and present argument on the case.

(c). If a member of the Executive Board of the Joint Council or of the General Executive Board is interested in the case as a party thereto, then the President of the Joint Council or the General Presi-

dent of the International, as the case may be, shall appoint a substitute.

(d). Failure of any interested party in any case to appear before any trial or appellate body at the time and place designated in the notice shall constitute a waiver of appearance and the trial shall proceed or the appeal heard regardless of the absence of such party.

(e). Any party to a case, regardless of whether such party is the accused or not, being aggrieved of a decision rendered in the case shall be entitled to the same rights of appeal as are hereinbefore provided for accused.

Trials and Appeals of Local Unions, Other Subordinate Bodies, and Elective International Officers

Sec. 3. (a). Whenever charges are preferred against a local union or against a Joint Council, or other subordinate body, such charges shall be filed in writing in duplicate with the secretary of the trial body, and shall be served personally or by registered mail on the secretary-treasurer of the local union or the Joint Council or other subordinate body so charged. If the charges are against the local union the trial shall be by the Executive Board of the Joint Council, provided that if the local union is not affiliated with a Joint Council due to the fact that no Joint Council exists with which such local union can affiliate, the trial shall be by the General Executive Board. If the charges are against a Joint Council or other subordinate body the trial shall be before the General Executive Board.

(b). A local shall be accorded thirty (30) days' time in which to appear for trial and submit its defense. In the case of a Joint Council or other

subordinate body the time of trial shall be fixed by the General Executive Board.

(c). In the matter of appeals from decisions affecting local unions not including decisions involving officers or individuals, the same shall be taken to the General Executive Board, and from it to the Convention. In the matter of appeals from decisions affecting Joint Councils, or other subordinate bodies, not including decisions involving officers or members thereof, the same shall be taken to the Convention. In all other respects procedure on appeals shall be the same as provided for in Section 2, this Article.

(d). Trial of elective International officers shall be before the General Executive Board at such time and place as fixed by the General Executive Board. The officer charged shall be found guilty only on a majority vote of the entire General Executive Board. Appeals by such General Officers from decisions of the General Executive Board shall be to the Convention.

(e). Emergency powers provided for in Section 9, this Article, shall apply with the same force and effect to local unions and Joint Councils and other subordinate bodies.

Original Jurisdiction of General Executive Board To Try Offenses Against International Union

Sec. 4. (a). Notwithstanding any other provision of this Constitution, the General Executive Board shall have jurisdiction to try individual members, officers, local unions, Joint Councils or other subordinate bodies for all offenses committed against the officers of the International Organization or the International Organization. In the event charges

have been filed or hearings are pending before a subordinate body in respect to any offense over which the General Executive Board has assumed jurisdiction under this section, the jurisdiction of such subordinate body shall forthwith terminate, and the subordinate body shall, upon request of the General Executive Board, transfer all of its records and papers pertaining to the case to the General Executive Board.

(b). Charges shall be filed in duplicate in writing with the General Secretary-Treasurer or the General President. A copy of the charges shall be served personally or by registered mail upon the accused, together with notice of the time and place of trial.

(c). If the accused are unable to be present at the meeting of the Board, they may present their case in writing.

Trials Before Panels of Executive Boards

Sec. 5. In any case where a trial before the General Executive Board of the International Brotherhood or the Executive Board of any subordinate body thereof is required under the provisions of this Constitution, such board may have such trial conducted before a panel appointed by the General President or the president of the subordinate body as the case may be, consisting of one or more disinterested members thereof. This panel shall act on behalf of such board in the holding of hearings and the taking of evidence and, following the conclusion of the hearing before it, shall make a full report in writing, including findings and such recommendations for disciplinary action, if any, the board itself is to take. The ultimate determination of the case, however, shall be made by the board itself on the basis of the record made before the panel.

Grounds for Charges Against Members, Locals, Joint Councils and Officers

Sec. 6. The basis for charges against members, officers, local unions, Joint Councils or other subordinate bodies, for which he or it shall stand trial, shall consist of but not be limited to the following:

- (1) Violation of any specific provision of the Constitution or failure to perform any of the duties specified thereunder.
- (2) Violation of the oath of loyalty to the local and the International.
- (3) Violation of the oath of office.
- (4) Gross disloyalty, or conduct unbecoming a member.
- (5) If an officer, gross inefficiency which shall hinder and impair the interests of the local or of the International.
- (6) Misappropriation.
- (7) Secession, or fostering the same.
- (8) Abuse of fellow members and officers by written or oral communication.
- (9) Abuse of fellow members or officers in the meeting hall.
- (10) Activities which tend to bring the local or the International into disrepute.
- (11) Disobedience to the regulations, rules, mandates and decrees of the local or of the officers of the International.
- (12) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and fealty to a member of a trade union, and for violation of sound trade union principles.

Specific Offenses

Sec. 7. Any member who (1) knowingly goes to

work or remains in the employment of any person, firm or corporation, whose men are on strike or locked out, unless he has permission of the International, the Joint Council or his local union, may be tried by the Executive Board of his local union, or (2) knowingly gives or attempts to give directly or indirectly, any information to any employer on an unfair list or whose men are on strike or locked out, or whose men are trying to secure an agreement or an improvement in their working conditions or whose men are trying to prevent an increase in hours of labor or a decrease in wages, for the purpose of assisting such employer, or for any gain or promise of gain, or (3) knowingly goes to work or remains in the employment of any person, firm or corporation on an unfair list of the International without permission from the International Brotherhood, the Joint Council or his local union, may be tried in the manner provided for the trial of other offenses.

Refusal To Return Books

Sec. 8. Any member who (1) wrongfully takes or retains any money, books, papers or any other property belonging to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, any Joint Council, local union, or other subordinate body; or (2) who mutilates, erases, destroys or in any way injures any books, bills, receipts, vouchers, or other property of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, any Joint Council, local union or other subordinate body, may be tried in the manner provided for the trial of other offenses.

Decisions and Penalties

Sec. 9. (a). Decisions and penalties imposed upon individual members, officers, locals, Joint Councils or other subordinate bodies found guilty of charges may

consist of reprimands, fines, suspensions, expulsions, revocations, denial to hold any office permanently or for a fixed period or commands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine then the same must be paid, pending an appeal if one is taken unless the General President waives the same. A local union ordered to reinstate a member or perform an act other than the payment of a fine must comply therewith as a condition precedent to taking an appeal unless the General President or the General Executive Board suspends such order pending the appeal. If the fine is against a member or officer of a local union, assessed by the local union, it shall be paid into the Treasury of the local union. If a fine is assessed against a Local by a Joint Council the payment shall be to the Treasury of the Joint Council.

(b). If the fine is assessed where the General Executive Board has assumed original jurisdiction, it shall be paid to the Treasury of the International.

(c). When such penalty consists only of a fine and an appeal is taken, such fine shall be deposited as above provided; thereupon such member, officer or Local shall be permitted to continue in the Union with full rights and privileges in accordance with the laws of the International. If on appeal the decision is reversed and the fine disallowed, then the same shall be returned to the party depositing the same. Whenever a decision is handed down by any trial or appellate body and an appeal is taken, such decision shall stand and remain in full force and effect until reversed by a higher body.

(d). In the event of non-compliance with the decision handed down by a trial or appellate body, the member, officer, local, or Joint Council shall stand suspended from all privileges of the International Brotherhood until the provisions of the decision have

been complied with. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect.

(e). Any member or local that is tried by the General Executive Board cannot be tried for the same offense by a local or Joint Council.

(f). The General Executive Board may send a case back to the Joint Council, the local union, or other hearing body or officer for further hearing, production of additional testimony, or for further consideration with or without such further hearing.

Emergency Power in General President To Conduct a Trial When Welfare of Organization Demands

Sec. 10. (a). Whenever charges involving a member or members, officer or officers, local union, Joint Council or other subordinate body create, involve or relate to a situation imminently dangerous to the welfare of a local union, Joint Council, other subordinate body or the International, the General President is empowered, in his discretion, in all cases except where the General Executive Board has assumed jurisdiction under Section 4 of this article, to assume original jurisdiction in such matter, regardless of the fact that charges have been filed with a subordinate body and are pending. When the General President has assumed such original jurisdiction under this section, the jurisdiction of the subordinate body shall cease. Under such circumstances, the General President shall hold a hearing upon giving not less than forty-eight (48) hours notice to the party or parties charged to appear before him at a place and time designated by him. He shall then proceed to hear and try the matter and render judgment in accordance with the facts and circumstances presented to him. When the General President has

so acted, an appeal shall lie from his decision to the General Executive Board, and from the General Executive Board to the Convention in the same manner and to the same extent only as is provided for appeals in other cases. Pending appeal from the General President's action, his decision shall stand and be enforced.

(b). When the General President deems it necessary to exercise the foregoing emergency power, he may deputize a representative or representatives to act for him in such matter. Such representative shall have the same powers as the General President as herein provided; however, when a trial shall be conducted by a representative or representatives of the General President, such representative or representatives shall make his or their recommendations to the General President, orally or in writing, and the decision in the case shall be made by the General President himself.

Charges Not Preferred in Good Faith

Sec. 11. If charges are preferred and such charges are not sustained, and the trial body or appellate body is convinced that the same were not brought in good faith or were actuated by malice, the trial body or the appellate body may impose such penalty by the way of punishment as in its judgment is deemed proper under the circumstances.

Refusal of Local To Try Member

Sec. 12. Any local union refusing to try its members when charges have been preferred by another local union, for any cause whatsoever, the local union preferring the charges may then bring the charge before the Executive Board of the Joint Council, where one exists, for trial and decision in the same manner as provided for the conduct of

other trials before the Local Executive Board. If no Joint Council exists, then the matter shall come within the jurisdiction of the General Executive Board.

Revocation of Membership on Being Found Guilty of Crime

Sec. 13. (a). When a member is convicted of the commission of a crime or serious wrongdoing, or pleads guilty to the commission of a crime or serious wrongdoing, against the local union or against the community, and which crime or act of serious wrongdoing tends to bring dishonor upon the local union or the International Organization, it shall be the duty of the local union to proceed to revoke the membership of such member. Likewise, whenever a member of a local union has engaged in what is commonly termed racketeering, and he is found guilty thereof, thereby bringing dishonor upon the local union or upon the International Organization, it shall be the duty of the local union to proceed in the manner provided in Article XVIII, Sec. 1, to revoke the membership of such member.

(b). Under the circumstances referred to in the foregoing paragraph, the secretary-treasurer of the local union shall refuse to accept dues from any person so removed from membership. It shall be mandatory upon the Local Executive Board to order the name of such member stricken from the rolls and to notify all local unions in the district, the Joint Council and the International, of its action and the cause therefor.

(c). In the event a local union fails to carry out the foregoing provision, then the General President, when the matter is brought to his attention, shall have the power, in his discretion, to proceed to re-

voke or order the revocation of the membership of such member.

(d). Any individual whose membership is hereafter revoked in accordance with the provisions of this section may subsequently be reinstated to membership; such reinstatement shall be subject to the approval of the local of which he was a member, the involved Joint Council, and the General Executive Board.

Exhaustion of Remedies

Sec. 14. (a). Every member, officer, local union, Joint Council or other subordinate body against whom charges have been preferred and disciplinary action taken as a result thereof, or against whom adverse rulings or decisions have been rendered, shall be obliged to exhaust all remedies provided for in this Constitution and by the International before resorting to any other court or tribunal.

(b). Where a member, officer, local union, Joint Council, or other subordinate body, before or following exhaustion of all remedies provided for within the International Union, resorts to a court of law and loses his or its cause therein, all costs and expenses incurred by the International Union shall be assessed against such individual, local union, Joint Council, or other subordinate body, in the nature of a fine, subject to all penalties applicable where fines remain unpaid.

Where such court action is by an individual or by a local union, Joint Council, or other subordinate body against a local union, Joint Council or other subordinate body, the foregoing provision in respect to the payment of costs and expenses shall be applicable in favor of the local union, Joint Council or other subordinate body proceeded against in court.

Article XIX

DISSOLUTION

No local union can dissolve, secede or disaffiliate while there are seven (7) dissenting members; no Joint Council can dissolve, secede or disaffiliate while there are two (2) dissenting local unions; nor can this International dissolve while there are seven (7) dissenting locals. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of such local union or Joint Council shall become the property of the International Brotherhood as specified in Sections 14 and 15 of Article X hereof. Under no circumstances shall any local union or Joint Council distribute its funds, assets or properties individually among its membership.

Article XX

LABOR DAY

We recognize the first Monday in September as Labor Day, except in states where another day is provided by law, and call upon all local unions to observe the same. It is advisable for local unions to unite and march under one banner in cities where there is more than one local union and each local union can make such rules and regulations requiring their members to observe the day, as best adapted to their locality.

Article XXI

LOCAL UNIONS

Section 1. Each local union shall have the right to make such by-laws as it may deem advisable, providing they do not conflict with the laws of the International Union.

Sec. 2. The officers of the local union shall consist of a President, Vice-President, Recording Secretary, Secretary-Treasurer and three Trustees. These officers shall constitute the Executive Board of the organization.

Sec. 3. Election of officers of local unions shall not exceed the period for which International officers are elected and shall not be for a lesser period than three years. In the instance of local unions that have not been chartered two years at the time of the adoption of this provision and in the case of new locals hereafter chartered, until such locals have been chartered for two years, officers shall not be elected for a period longer than one year. No member while receiving severance or retirement benefits from the International Union shall be eligible to hold a salaried office or position in a local union; provided that International Vice-Presidents and International Trustees who are receiving severance or retirement benefits based solely on their salaries as such officers may hold a salaried office in a local union.

Sec. 4. The Conductor and Warden shall be appointed by the Chair. All officers shall serve for the period of their election unless removed for incompetency, or neglect of duty, dishonesty or other violation of this Constitution.

Sec. 5. Nomination of officers shall take place in November or December. The election shall follow at the next meeting, provided, however, that if it is so voted by the membership at a regular or special meeting held for such purpose prior to the election meeting, the election may be held at such other place or places and at such other time not later than one month after the nomination meeting as may be designated by the local executive board, in which case the election shall be by secret ballot to be placed in boxes (unless the executive board of the local

union has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote), the election box or machine however to be located at a place or places designated by the local Executive Board for the convenience of the membership; balloting shall be open to suit the convenience of membership and for a period not less than six hours between the hours of 8:00 a. m. and 8:00 p. m., and it shall be the duty of the local Executive Board to provide safeguards for the honest and fair conduct of such election, including grant of the right to each nominee in such election of at least one observer at all times. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Where the nominee is unopposed at the regularly designated nomination meeting, there shall be no necessity for the election of such nominee and he shall be declared duly elected at such nomination meeting, effective as of the conclusion of the term of the previous incumbent. The General President is authorized to change the time and place of nomination and election provided for in this section.

Sec. 6. The regular nominations and elections in local unions, having a substantial number of seasonal workers in their membership, shall be held at such dates and times as the General President shall designate in the year provided for in the local union by-laws, and in conformance with all other provisions in the International Constitution pertaining to nominations and elections.

Sec. 7. The Business Representative and assistants of a local union may be elected or appointed in the manner provided by the local by-laws, the same as any other officer; but can be removed at any time for incompetency, neglect of duty, or dishonesty or

other violations of this Constitution, or if there are not sufficient funds in the local union to pay his salary. Unless otherwise provided in this Constitution, elected Business Representatives and assistants of local unions are entitled to trial before removal; those not elected, but merely appointed or hired, are not entitled to such trial before removal.

Article XXII

DUTIES OF LOCAL SECRETARY- TREASURERS

Section 1. Local union Secretary-Treasurers, immediately upon taking the office of Secretary-Treasurer, shall procure a suitable surety bond, and a copy of the same must be filed in the General Office.

Sec. 2. Local Secretary-Treasurers shall deposit all moneys in the local unions in a reliable bank in the name of the local union at least twice a month or oftener, if possible, as the local union may designate from time to time.

Sec. 3. Local Secretary-Treasurers must pay all bills by check, signed by any two of the following: the Local President, the Local Secretary-Treasurer, one elected Business Representative. In the event that two or all of these officials become ill or otherwise incapacitated the Local Executive Board shall designate substitutes for the purpose of signing such checks.

Sec. 4. Local Secretary-Treasurers must balance their day book and cash book monthly, showing the exact balance on hand with the local union on the first day of the coming month, and have their bank book balanced on the last day of the month or get a bank statement from the bank on the last day of the month, showing the exact amount of money in the bank, so that the Trustees of the organization

may verify the bank statement and the books of the local union at any time.

Sec. 5. Local Secretary-Treasurers must keep the International bookkeeping system, consisting of a day book, ledger records and cash book, or any other mechanical system approved by the General Secretary-Treasurer, and must issue dues books.

Sec. 6. Local Secretary-Treasurers must keep the applications of all new members initiated filed monthly.

Sec. 7. Local Secretary-Treasurers must keep all of the part paid applications on hand properly filed.

Sec. 8. Local Secretary-Treasurers must keep all receipted bills filed monthly.

Sec. 9. Local Secretary-Treasurers must attach all return checks to the stub in the check book of the local union each month when he receives his cancelled checks from the bank or adopt other procedures approved by the General Secretary-Treasurer.

Sec. 10. Local Secretary-Treasurers shall report to the General Secretary-Treasurer by the tenth day of each month, the number of men that are being carried on the books of the local union as good standing members as of the first day of that month, and all new members who have been initiated during the previous month and all members who have paid up their back dues and again become in good standing. This report must be made on the monthly report blank that is issued by the General Secretary-Treasurer.

Sec. 11. Local Secretary-Treasurers must pay to the General Secretary-Treasurer 40 cents out of every due collected by the local union.

Sec. 12. Local Secretary-Treasurers must report the names and addresses of all new members coming into the local union to the General Office.

Sec. 13. Local Secretary-Treasurers shall send to

the General Secretary-Treasurer a revised list quarterly of the names and addresses of all members in good standing in the local union.

Sec. 14. Local Secretary-Treasurers cannot and must not carry any men on their books as members of the organization and mark them exempt from paying dues.

Sec. 15. Local Secretary-Treasurers on the monthly audit of the Trustees must see that the Trustees sign their books, if the Trustees of the local union have found them correct and the bank balance verified with the balance on the books of the local union.

Sec. 16. Local Secretary-Treasurers must see that the Chairman of the Trustees forwards a copy of the monthly audit, properly signed by the Trustees, showing the balance on hand with the local union to the General Secretary-Treasurer.

Sec. 17. When the term of office of a local Secretary-Treasurer expires and his successor is elected to take his place, he must see that his successor is properly bonded and a copy of the bond sent to the General Office before he transfers the funds of the organization to his successor in office.

Article XXIII

RULES OF ORDER FOR LOCAL UNIONS

Section 1. The President, while presiding, shall state every question coming before the local union before suffering debate thereon, and immediately before putting it to a vote he shall ask: "Is the Union ready for the question?" Should no member rise to speak and the local union indicates its readiness, he shall rise to put the question. After he has risen no member shall be permitted to speak upon it.

Sec. 2. When the decision of the President is appealed from, he shall state his decision and the

reasons therefor, from the Chair. The party appealing shall then briefly state the reasons for the appeal, after which, without further debate, the question shall be put thus: "Shall the decision of the Chair stand as the judgment of this Union?"

Sec. 3. Every member, while speaking, shall adhere to the question under debate, avoid all personality and indecorous language, as well as any reflection on the Union or any member thereof.

Sec. 4. Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.

Sec. 5. No member shall speak more than once on the same question until all the members wishing to speak have had an opportunity to do so; nor more than twice without the permission of the Chair, nor more than ten minutes at one time.

Sec. 6. All resolutions and motions, other than the first six, in Rule 8, to accept or adopt the report of the committee, shall be reduced to writing before the President shall state the same to the Union.

Sec. 7. Any member may call for the division of a question when the sense will admit of it.

Sec. 8. The following motions shall have precedence in the following order herein arranged: First, to adjourn; second, to close debate; third, to take the previous question; fourth, to lie on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth, to amend. The first four shall be decided without debate.

Sec. 9. The motion to close debate may be made by two members, and shall be put in this form: "Shall the debate now close?" And, if adopted, the President shall proceed to take the question on the

resolutions and amendments thereto, according to priority, without further debate.

Sec. 10. The call for the previous question may be made by six members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take the question on the original resolution to the exclusion of all debate and all amendments which have not been adopted.

Sec. 11. All votes other than amendments to the Constitution, By-Laws or Rules of Order may be considered at the same or next succeeding meeting upon a motion made and seconded by two members who voted in the majority; provided the Union agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.

Sec. 12. Every member present shall vote on all questions before the Union unless personally interested. A motion to excuse a member from voting shall be put without debate.

Sec. 13. No member shall enter or leave the Union meeting during the reading of the minutes, admission of new members, installation of officers, or the taking of a question by yeas and nays; and no member shall be allowed to leave the Union meeting without the permission of the presiding officer, under penalty of twenty-five cents fine.

Sec. 14. When a motion has been declared carried or lost by acclamation, any member, before the Union proceeds to other business, may call for a count, but the yeas and nays cannot be called unless demanded before the President rises to put the question.

Sec. 15. The yeas and nays may be called for by two members and upon the assent of one-third of the members present shall be taken.

Sec. 16. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Union, until fifteen minutes have elapsed.

Sec. 17. No subject of a political or religious nature shall be at any time admitted, under a penalty of fifty cents fine, but subjects which affect the economic welfare of our members shall not be prohibited even though they are political in nature.

Sec. 18. All business done in the Union shall be strictly secret to all outside the Union.

Sec. 19. (a). All and other proceedings in debate, not herein provided for, to be governed by Roberts' Rules of Order.

(b). One tap of the gavel shall call to order; two taps to be seated; three taps to rise.

Article XXIV

SAVING CLAUSES

Section 1. The provisions of this Constitution relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under this Constitution and local union by-laws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Sec. 2. If any provision of this Constitution shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of federal or state government, the Inter-

national Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

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